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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,593	08/06/2002	Eric Vaultot	BDL-380XX	2476
207	7590	01/07/2004	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			CHAN, SING P	
			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,593	Applicant(s) VAULOT, ERIC	
	Examiner Sing P Chan	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) 5-13 and 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>03/29/2002</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-4 and 14-16 in Paper filed on November 7, 2003 is acknowledged. The traversal is on the ground(s) that all the claims are not seen as imposing an undue burden on the examiner. This is not found persuasive because the special technical feature of the prefabricated material of thin flexible polymer sheet as claimed is known and have other uses, a search required for the prefabricated material is not required for method of making a hot-tensioned false ceiling and a false ceiling, and a lack of unity of invention is maintained.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 5-13 and 17-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper filed on November 7, 2003.

Specification

3. The disclosure is objected to because of the following informalities: The specification recited a prior art reference as mentioning difficulties of installing tensioned ceiling, which is printed, i.e. WO 99/43906. However, WO 99/43906 recites a method of installing pitched roofing tiles and does not recite installing tensioned ceiling.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claims 1 and 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al (U.S. 5,419,795).

Regarding claim 1, Wood et al discloses a high slip packaging film, which is printed with printing ink (Col 5, lines 8-17) and is considered capable of being printed with designs of shapes and dimensions that are predetermined when the material is applied to ceiling by hot-tensioning.

Regarding claim 2, Wood et al discloses the material for forming the film includes vinylidene chloride copolymer, which is polyvinylidene chloride. (Col 3, lines 49-57)

Regarding claims 3 and 14, Wood et al discloses the film as a two-ply film. (Col 4, lines 58-68)

Regarding claim 4, 15, and 16, Wood et al discloses the film is biaxially stretched. (Col 4, lines 49-54)

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nassof (U.S. 3,782,495).

Regarding claim 1, Nassof discloses a plastic film for forming a ceiling tile. The film can be printed (Col 2, lines 34-53) and is considered capable of being printed with shape with predetermined dimensions once the film is hot-tensioned.

Regarding claim 2, Nassof discloses the material for forming the film includes polyvinyl chloride. (Col 2, lines 34-53)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 4, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassof (U.S. 3,782,495) as applied to claims 1 and 2 above, and further in view of Wood et al (U.S. 5,419,795).

Regarding claims 3 and 14, Nassof as disclosed above is silent as to the film is a multilayer film. However, multilayer film is well known and conventional as shown for example by Wood et al. Wood et al disclose a two-ply film, which can be printed. (Col 4, lines 58-68)

It would have been obvious to one skilled in the art at the time the invention was made to use a multilayer film such as the two-ply film as disclosed by Wood et al in the film of Nassof, which provide a readily available multilayer film easily and inexpensively.

Regarding claim 4, 15, and 16, Nassof as disclosed above is silent as to the film is mono- or bi-oriented. However, mono- or bi-orienting film is well known and conventional as shown for example by Wood et al. Wood et al discloses the film is biaxially stretched. (Col 4, lines 49-54)

It would have been obvious to one skilled in the art at the time the invention was made to providing bi-oriented film as disclosed by Wood et al in the film of Nassof to provide a strong and tear resistance film to allow easy handling and installation. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 703-305-3175, after December 25, 2003 the examiner's telephone number will change to (571) 272-1225. The examiner can normally be reached on Monday-Friday 7:30AM-11:15AM and 12:15PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853, after December 25, 2003 the examiner's supervisor telephone number will change to (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Chan Sing Po

spc


J.A. LORENZO
PRIMARY EXAMINER